

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 13636 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHREE NANA ASARANA SEVA SAHAKARI MANDALI LTD. & MEMBER
Versus

ADDL. REGISTRAR (APPEALS) CO-OPERATIVE SOCIETIES AND ANOTHER

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Appearance :

MR BT TRIVEDI for the Petitioner

MS MINI NAIR, ASSISTANT GOVERNMENT PLEADER for the Respondents

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 07/06/2007

ORAL JUDGMENT

1. **RULE.** Ms.Mini Nair, learned Assistant Government Pleader waives service of Rule on behalf of the respondents.

2. Shree Nana Asarana Seva Sahakari Mandali Ltd., through its

President, is before this Court being aggrieved by order dated 14.05.2007 passed by the District Registrar, Cooperative Societies, Bhavnagar and also non-passing of the order by the appellate authority - Additional Registrar (Appeals), Cooperative Societies, Gujarat State Gandhinagar in Appeal No.76 of 2007.

3. Notice was issued by this Court on 06.06.2007 returnable today, i.e. 07.06.2007, as the petitioner - Mandali represented that, the bank has applied seal to the office of the Mandali.

In response to the notice, Mr.U.M.Vasanwala - District Registrar, Cooperative Societies, Bhavnagar is present before the Court. The order passed by the District Registrar, against which an appeal is preferred before the appellate authority is perused.

4. The learned advocate for the petitioner invited attention of the Court to number of errors committed by the District Registrar in passing order dated 14.05.2007. The District Registrar present in the Court is not able to explain the same.

5. This Court is of the opinion that the order of the District Registrar cannot be allowed to stand and the matter is required to be remanded for fresh reconsideration by the District Registrar, Cooperative Societies, Bhavnagar.

6. Order dated 14.05.2007 is quashed and set aside. The District Registrar, Cooperative Societies, Bhavnagar is directed to decide the matter afresh, after giving necessary opportunity to the petitioner -

Mamdali for presenting its case and taking into consideration all relevant provisions of law, aspects of the matter and the contentions raised by the petitioner – Mandali.

7. The petition is allowed. Rule is made absolute with no order as to costs. Direct service is permitted.

(RAVI R. TRIPATHI, J.)

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